

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PLAINTIFF'S MOTION TO DISMISS

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, ERIC ALBRITTON, Plaintiff in the above-captioned and numbered cause, and files this, his Motion to Dismiss, and, in support thereof, would respectfully show unto the Court as follows:

I.

As announced in chambers at the conclusion of evidence, the parties have agreed to a confidential settlement of all matters in controversy between them. Consistent with that agreement, Plaintiff and Defendants have now executed the contemplated settlement documents, and payment of the agreed-upon consideration is due within thirty (30) days of the entry of an Order of Dismissal. Each party shall bear its own attorneys' fees and costs of Court.

WHEREFORE, PREMISES CONSIDERED, ERIC ALBRITTON respectfully prays for the entry of an Order dismissing this case with prejudice, directing the payment of the agreed-upon consideration within thirty (30) days and taxing all costs of Court against the party incurring same.

Respectfully submitted,

THE LAW OFFICE OF JAMES HOLMES, P.C.

By: _____ /s/
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ATTORNEY FOR PLAINTIFF



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record *via* the electronic filing system of the United States District Court for the Eastern District of Texas on this, the 4th day of November 2009.

/s/
James A. Holmes